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Held at the Palais des Nations, Geneva,
on Thursday, 16 November 1995, at 10 a.m.

Chairman: Mr. DIPANDA MOUELLE

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The meeting was called to order at 10.10 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 19 OF THE CONVENTION (agenda item 4) (continued)

Initial report of Guatemala (CAT/C/12/Add.5 and 6; HRI/CORE/1/Add.47)

1. At the invitation of the Chairman, Mr. Arranz Sanz, Mr. Urruela Prado, Mr. Alonzo Mazariegos, Mr. Diaz-Duque and Mr. Rafael Olivero (Guatemala) took seats at the Committee table.

2. Mr. ARRANZ SANZ (Guatemala) said that on 23 November 1989 Guatemala had acceded to the Convention against Torture, which had entered into force in February of the following year. Until 1993, Guatemala had not honoured its commitments in respect of the submission of human rights reports, but with the advent of President León Carpio, the competent bodies had been instructed, with the coordination of the Presidential Human Rights Commission (COPREDEH), to meet the Government's international obligations.

3. In November 1994, therefore, Guatemala had submitted its initial report (CAT/C/12/Add.5) to the Committee against Torture. It consisted of two main parts. The first was consistent with the general guidelines regarding the form and content of initial reports, and contained basic information on the domestic legal provisions relating to the prohibition of torture. The Guatemalan Constitution recognized the principle that in matters of human rights treaties and conventions ratified by the State took precedence over domestic law. The provisions of the Convention against Torture accordingly formed part of Guatemala's domestic law.

4. The second part of the report contained government information on compliance with the Convention, including a full description of domestic legislation relating to it and a number of cases tried by Guatemalan courts pursuant to the provisions of the Convention. Mention was also made of the provisions regarding extradition, with references to specific cases, and cases taken up in foreign courts at the request of Guatemala. There was also a description of the physical infrastructure, and the legal and human resources available to the State to ensure respect for the human rights of persons at liberty and persons held in detention centres.

5. Developments in Guatemala since the submission of the initial report were covered by the supplementary report (CAT/C/12/Add.6), which had been submitted in July 1995. In that connection, he drew particular attention to that report's description of the political and social situation 1985-1995 (paras. 4-14) and the situation regarding torture in Guatemala as seen by United Nations representatives (paras. 16, 18-22, 25 and 26).

6. In order to bring domestic legislation into line with the provisions of international instruments on the protection of the individual against all forms of cruel or degrading treatment, in August 1995 Decree No. 58-95 had been passed, adding the offence of torture to the Penal Code. Article 201 bis of the Penal Code accordingly provided that anyone who, on orders from or with the authorization, support or acquiescence of the State authorities, intentionally inflicted on another person severe physical or mental pain or

suffering with the aim of obtaining from that person or a third person information or a confession about an act he had committed or was suspected of having committed, or anyone who attempted to intimidate another person or persons was guilty of the offence of torture. The new provision also covered abduction and the acts of groups or gangs organized for terrorist, insurgency, subversive or other criminal purposes. Persons found guilty of torture were now liable to 25 to 30 years' imprisonment.

7. Turning to the de facto situation regarding torture in Guatemala, he drew particular attention to the information provided in paragraphs 31 to 36 of the supplementary report. The second report (A/49/929) of the Director of the United Nations Human Rights Verification Mission in Guatemala (MINUGUA), covering the period 21 February to 20 May 1995, stated that 10 out of the 140 complaints received related to torture. The third report, covering the period 21 May to 21 August 1995, which had been issued on 30 October 1995, stated that 87 complaints of violations of the right to integrity and security of the person, had been received, but there had been no indication of the number of cases involving torture. The complaints reported by MINUGUA were, of course, subject to verification.

8. In addition to the information on legislative and administrative measures for the prevention of torture provided in paragraphs 37, 38 and 41 of the supplementary report, the activities of MINUGUA deserved special mention. Established pursuant to the Comprehensive Agreement on Human Rights of March 1994, MINUGUA had been requested by the parties to that Agreement, namely the Government of the Republic and the Guatemalan National Revolutionary United Front (URNG), to receive, categorize and follow up complaints of human rights violations, to ascertain that the competent national bodies carried out the necessary investigations independently, effectively and in keeping with Guatemalan and international human rights provisions, and to determine whether or not a particular violation had taken place. In verifying other commitments under the Agreement, the Mission was required to determine whether the parties fully complied with them and to make recommendations to the parties, particularly on the various measures provided for under the Agreement.

9. The parties had further requested that the Mission should be authorized to establish offices and travel freely throughout Guatemala, to speak freely and privately with any individual or group of individuals, to make visits without prior warning when it considered such a course necessary for the performance of its duties, and to collect information necessary for the fulfilment of its mandate. The Agreement also authorized the Mission: to cooperate with national institutions and bodies to ensure effective protection and promotion of human rights; to promote technical cooperation programmes and carry out institution-building activities; to provide support to the judiciary and its auxiliary organs, the Public Prosecutor's Office, the Human Rights Procurator and COPREDEH; to promote international technical and financial cooperation needed in order to enhance the capacity of the Human Rights Procurator and other national institutions and bodies; and, in cooperation with the State and various agencies, to contribute to the fostering of a culture of observance of human rights. To date, the Director of MINUGUA had submitted three reports to the Secretary-General of the United Nations.

10. As to measures adopted by the Ministry of the Interior, it had strengthened the Professional Responsibility and Human Rights Offices of the National Police, so that the relevant investigations would be carried out in cases where police officers were involved. As a supplementary measure, all National Police officers had been given systematic instruction concerning full respect for human dignity in order to prevent human rights from being violated in the exercise of their duties. As part of their training, all police, prison and army personnel had been issued with copies of the Code of Conduct for Law Enforcement Officials, adopted by the General Assembly in 1979, the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (adopted in 1990), the Principles relating to the Effective Prevention and Investigation of Extra-Legal, Arbitrary or Summary Executions (adopted in 1989), and the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (adopted in 1988).

11. The Ministry of National Defence organized courses in international humanitarian law for officers through the ICRC and had scheduled, for December 1995, training courses for the entire Guatemalan army with the aim of disseminating the contents of the Declaration on the Protection of All Persons from Enforced Disappearance, adopted by the General Assembly in resolution 47/133. On the question of street children, particular attention was drawn to paragraphs 53, 54, 57 and 58 of the supplementary report.

12. Guatemala was making great efforts to honour its commitments under the Convention in respect of both the submission of reports and dialogue with the Committee. His delegation was ready to provide any additional information that might be required.

13. The CHAIRMAN thanked the delegation of Guatemala for its comprehensive and detailed statement. He gave the floor to the Country Rapporteur for his comments.

14. Mr. SORENSEN (Country Rapporteur) thanked the Guatemalan delegation for the initial report (CAT/C/12/Add.5) dated 2 November 1994, the supplementary report (CAT/C/12/Add.6) dated 31 July 1995 and the extensive introduction it had just delivered. He considered himself a friend of Guatemala and stressed that his remarks would be made in a spirit of cooperation, not of condemnation.

15. He reminded Committee members that the population of Guatemala was close to 10 million, of whom a majority were Indians speaking approximately 22 different languages; 80 per cent of the population were living in poverty; 59 per cent were living in extreme poverty; 49 per cent were under the age of 14; and 44 per cent were illiterate. The Constitution and political system were democratic but in a recent election only 18 per cent of the population had participated. The situation was thus extremely difficult. As to human rights violations, figures covering a 30-year period during which the country had faced severe difficulties showed that 46,000 persons had disappeared, 130,000 had been extrajudicially executed, 1 million had been displaced within Guatemala and 300,000 children had been orphaned, most becoming street children. A large proportion of those persons had been tortured. In addition, their relatives had in consequence suffered symptoms that were in

many ways equivalent to torture. At the World Conference on Human Rights in 1993 the right to development had been deemed a human right; however, development could not occur in the presence of torture.

16. The Committee's consideration of the initial report of Guatemala had been cancelled only 20 hours prior to its scheduled date in April 1995. The Committee deplored the cancellation; dialogue with a country facing major problems had thereby been delayed for six months. However, the supplementary and oral reports provided useful additional information which might enable the Committee to gain a better understanding of the situation.

17. He would deal with the report on an article-by-article basis. A number of points in the initial report had caused him surprise. Paragraph 16 stated that there had been no cases of torture in Guatemala. That was remarkable, given that in April 1995 the Ombudsman had informed him that torture was practised; the statement in paragraph 16 had subsequently been amended. He hoped the Government of Guatemala could withdraw the statement in paragraph 18 that "The provisions of the Convention have not been implemented in practice in Guatemala and consequently no difficulty has arisen in that respect". He would welcome a response on that point.

18. In respect of article 1, the definition of torture, and article 2, he noted that during the introduction the delegation had informed the Committee that torture was defined in the Penal Code and that persons found guilty of torture were liable to severe penalties.

19. Article 3 dealt not so much with extradition per se, as with the possibility of extraditing a person to a country where he risked being tortured. Guatemala was located in a region where torture existed and where there could be refugees seeking asylum. He wished to hear how Guatemala's legal system ensured in practice that an asylum-seeker would not be returned to a country where he risked torture.

20. Articles 4-8, 11 and 12 would be dealt with by the Alternate Rapporteur. With regard to article 10, the Committee welcomed the information received on the education of the police and the military. He requested information on the education of prison officers, doctors and health personnel. The issue of the education of doctors was an important one as they sometimes participated in torture. That participation occurred before - saying that the persons could be tortured, during - ensuring that the victim was not dying if that was not the desired aim and after torture - by falsifying documents. He would welcome information on undergraduate training for all doctors and on postgraduate training for doctors working in forensic medicine and for those involved in identifying victims of torture or ill-treatment. The United Nations had published a manual on that matter.

21. He requested information on the number of prisoners in Guatemala in 1993 and 1994 and the design capacity of prisons in order to judge whether there was overcrowding, and asked how many deaths had occurred in prisons in those two years. He inquired whether there was a system of inspection besides the Inspector-General mentioned in the report and whether inspection by non-governmental organizations (NGOs) was permitted.

22. Article 14, relating to rehabilitation, consisted of three separate aspects. Those were redress, which meant moral rehabilitation to remedy what had occurred; compensation, in monetary form; and full rehabilitation including medical rehabilitation, because as well as the victims themselves, the relatives of disappeared or tortured persons also suffered and would continue to suffer if they did not receive treatment. In Guatemala, a number of people had been trained in medical rehabilitation. The money had been raised for a medical rehabilitation centre but telephone threats limiting the survival time of workers at that centre to 48 hours had meant it could not be opened. The Government of Guatemala had deplored the fact that threats were addressed to officials, but civilians and NGOs were also targeted. He asked whether the authorities thought that it would now be safe to open the medical rehabilitation centre, which was in fact a requirement under article 14 of the Convention.

23. Turning from the Convention, he wished to discuss some cases of torture and draw some lessons from them. He referred to a report addressed to the Committee against Torture by the Casa Alianza on the torture of Guatemalan street children. All the cases it mentioned had taken place after the Convention entered into force in Guatemala. In order to prove that torture per se existed in Guatemala he invited those present to look at some photographs of street children who had been tortured to death. The report included an incident that had occurred in June 1990 and provided the names of the victims and the two persons accused of the crime (pp. 12-17). He quoted the description of the case:

> "The last four of the street youths listed above were sitting in a parking lot on 18th Street in Zone 1 of Guatemala City. About mid-morning a pick-up pulled up alongside them and four armed men got out, violently detained the youths and said 'You are pending (Uds. son pendientes)'. They handcuffed the boys, beat them with pistols and took them away.
>
> Several days later their tortured and mutilated bodies were found thrown in an isolated area of Mixco. Their eyes had been burned out, ears and tongues severed and some of the victims had had a boiling liquid poured over parts of their bodies. All had been shot through the head."

24. The case had also raised the matter of impunity:

> "Casa Alianza pursued the case and was supported in part by the Ministerio Público in Guatemala. The evidence was very strong as the bullet found in one of the minors was fired by the gun that one of the two National Policemen carried at the time of his arrest. The judge, however, did not admit this evidence. The policemen were arrested and then freed for lack of evidence. Two of the key witnesses have since been killed - one in a stabbing and the other in a hit-and-run traffic accident.

> Casa Alianza appealed the case all the way to the Supreme Court as there were many irregularities in the judicial proceedings. But the Supreme Court supported their colleagues. Casa Alianza has taken this case to the Inter-American Commission of Human Rights. (...) The guilty are free. The boys are still dead.".

That incident had occurred in 1990. A photograph of Julio César Reyes (p. 44) showed the cigarette burns to which he had been subjected in 1993; that was a very common method of torture. Page 49 described how two young men had been tortured to death in July 1994.

25. All those cases demonstrated that torture as defined in the Convention was practised in Guatemala. It was not practised for the purpose of extracting information, as none of the victims had any information to provide, but in order to intimidate and hold the whole country in the grip of terror. Amnesty International, another reliable source, had informed the Committee that it was virtually the rule rather than the exception for the body of a disappeared person or a person who had been extrajudicially executed to show signs of torture prior to death.

26. Torture was thus widespread in Guatemala. He wondered who performed it. Which authorities gave the order? Which authorities obeyed it? Information available showed that torture was mostly perpetrated by uniformed or non-uniformed police and army personnel and, to a lesser degree some private security forces. Many policemen came from the armed forces and could return to the armed forces, where they would enjoy impunity. The law provided that the police should be under the control of the Ministry of the Interior but in practice, throughout most of the country, they were under the direct or indirect control of the army.

27. There had been unanimous agreement that one of the best methods of preventing torture was promptly to start an impartial investigation, bring the perpetrator to court and sentence him following a fair trial. He had been very pleased to hear about the latest legislation. The report on street children demonstrated, however, that relevant legislation had not to date been enforced in Guatemala. Referring to an incident that had occurred on 29 October 1990 (p. 23), he said that a boy named Cruz had been beaten severely by two uniformed members of the National Police. He quoted the outcome of the case:

> "Cruz made a complaint with the National Police and Casa Alianza's Legal Aid Office followed through with the investigation. The policemen were recognized by the victim. It took the 'judicial system' almost two years to emit the arrest warrants for abuse of authority for the two National Policemen on 3 June 1992. To date, after more than three years, the policemen have still not been arrested by the National Police - who have the responsibility to implement the arrest warrant."

That was a blatant case of injustice and an example of functional impunity.

28. Taking another example, he informed members that in August 1994 a pastor had been killed following severe torture, including 33 stab wounds; before dying, he had identified the perpetrator, a man called Victor Roman. That man

had been brought to court and the judge had ordered his arrest, which had been duly carried out on 18 August. On 21 August, the judge had been murdered and 15 days later Victor Roman had been released. That incident demonstrated the function of threats to the judiciary.

29. He had tried to illustrate three facts. The first was the grave economic state of the country and its implications; the second was the widespread use of extreme violence and crimes against human rights, including torture; the third was the gap between law and practice. Before putting his questions to the delegation, he wished to state that torture had never in the history of mankind solved a political problem; neither had it been able to combat terrorism or civil war. It was an extremely evil practice that did not give the desired results.

30. He wished to ask a number of questions, to which he did not expect immediate replies. First, did the authorities publicly acknowledge that problems of violations of human rights, among them torture, existed in spite of the law, which essentially fulfilled all provisions of the Convention?

31. Secondly, did the delegation think that the Government had a positive will to eradicate torture? Following the oral presentation, he thought the answer was in the affirmative. If that was the case, had the Government considered issuing a firm, clear message to all levels of authority - from the President, via the ministers, the army, the police down to the policemen on the street - stating that torture and ill-treatment would not be tolerated? Such practices were degrading not only for the victims but even more so for the torturers and society itself. Would it state that all cases of torture would be promptly and impartially investigated, that the perpetrators would be given a fair trial, and that it would do its best to protect all involved persons - including judges, lawyers, magistrates - from any threats or ill-treatment?

32. Thirdly, was any thought being given to reforms to demilitarize the police, to completely cut the links between the army and the police, and to merge the different police forces into a single force consisting of reliable persons under the jurisdiction of one Minister?

33. Fourthly, in respect of education, in which area much progress appeared to have been made, how would the Government proceed? How would it change people's attitudes from accepting violence as almost the rule to regarding respect for life and human rights as essential, beginning with children?

34. Fifthly, as to impunity in law, he understood that that matter had now been corrected, but with regard to impunity in practice, or functional impunity, how would the authorities deal with that problem? Did they have the courage to say there would be no impunity, especially for the army, and thereby win over the people but possibly risk losing power?

35. Sixthly, on the question of the role of the United Nations in Guatemala, what additional help would the Government like to have from the United Nations and from the Committee against Torture in particular? The United Nations

would do its utmost to be of assistance in any way in the form of a committee, privately or through the Technical Assistance Branch of the Centre for Human Rights.

36. He reiterated that his comments were made and his questions asked in a spirit of goodwill. He hoped that the Government of Guatemala would see them as an act of cooperation and not as a condemnation.

37. Mr. GIL LAVEDRA (Alternate Country Rapporteur) thanked the delegation of Guatemala for attending the meeting and said he looked forward to a constructive dialogue and fruitful exchange of views on all the problems afflicting Guatemala. The Committee's role was not to judge Guatemala, but to find the best paths towards cooperation in their common endeavour. He agreed that Guatemala was making a major effort to restore the enjoyment of human rights. The main responsibility for the maintenance of the security of the population and the protection of human rights lay with the Government. Dealing with the report of Guatemala was not quite the same as dealing with other country reports. Since 1979, the Commission on Human Rights had been closely monitoring the human rights situation in Guatemala and a succession of special rapporteurs on the question of torture had examined the situation there. The situation had also been referred to by the Working Group on Enforced or Involuntary Disappearances and the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions. In addition, MINUGUA was currently responsible for the follow-up of the Comprehensive Agreement concluded by the Government and the guerrillas in Guatemala.

38. All the reports on Guatemala depicted a situation of grave and massive violations of human rights, ranging from extrajudicial executions, enforced disappearances and other atrocious crimes to ill-treatment of minorities, lack of respect for the integrity of the human person, and torture, all aggravated by a situation of impunity. The problem did not lie with the legislation itself, but with the failure to implement the legislation. State mechanisms were not working, and the State did not have a monopoly on the use of force. However, once the State was able to end the practice of private vengeance by individuals, the war could end.

39. Decree No. 58-95 of August 1995 penalized the offence of torture in accordance with the Convention, and the definition of torture in article 101 bis of the Penal Code was in keeping with that of the Convention. That was commendable, since the previous legislation - articles 423-425 of the Penal Code - had not fulfilled the requirements of the Convention, failing to cover all the various types of mental and physical suffering.

40. He asked whether torture was covered by article 5 (a) of the Penal Code, which concerned the extraterritorial application of the criminal law, as stated in paragraph 46 of the initial report (CAT/C/12/Add.5). The statement in paragraph 51 that extradition was provided for in international treaties only where there was reciprocity was contrary to the intent of article 8 of the Convention. In paragraph 72 information was lacking on the periods of incommunicado detention and on compulsory medical examinations for detainees.

41. Many of the provisions of the Constitution were excellent in terms of human rights, particularly article 46, which gave international human rights

51. As to paragraph 89, he asked what the relationship was between criminal proceedings and civil liability actions. For example, if a civil servant or police officer was brought to court on charges of torture and was acquitted, did that have any impact on the civil action? Could the victim apply for compensation only before the civil court, or before the criminal court as well? He also sought further information about the very sweeping statement in the same paragraph that neither Guatemalans nor aliens could claim compensation from the State for damage or injury caused by armed movements or civil disturbances.

52. There appeared to be a contradiction between paragraphs 90 and 91. Whereas paragraph 90 spoke of limits on private reparation, paragraph 91 stated that it was not possible to define the limits of the compensation. Also, in what circumstances would a claimant withdraw a civil claim (para. 90)?

53. Turning to document CAT/C/12/Add.6, he noted that in paragraph 42 reference had been made to a Comprehensive Agreement on Human Rights. What was the content of that Agreement? Did it invoke the 1949 Geneva Conventions? And how was it implemented?

54. Had any action been taken to disband the civilian self-defence patrols (PACs)? Paragraphs 467 and 468 of the core document (HRI/CORE/1/Add.47) spoke of the Human Rights Procurator. How was that official appointed and how did he carry out his work? He also asked how COPREDEH (HRI/CORE/1/Add.47, para. 473) functioned and what action it had taken to date.

55. A number of reports by Amnesty International had cited alleged cases of persons being taken into custody and held incommunicado by the army. Who sat on the military courts? What were the rights of persons brought before those courts? Was there a time-limit for detention? And could an appeal be lodged against a decision of a military court? According to one Amnesty International report, many cases of abuse involved members of private security firms operating with the consent of the National Police and the Ministry of the Interior. More details about that practice and the number of firms and persons involved would be welcome. Lastly, he requested the Guatemalan delegation to comment on the specific cases mentioned in the Amnesty International reports to which the country rapporteurs had already referred.

56. Mr. REGMI said it was clear that the Constitution and laws of Guatemala were not sufficient to combat torture. The provisions of the Convention must be put into practice, and effective legislative, administrative, judicial and other measures must be taken to prevent acts of torture.

57. He began by asking what procedural rules governed the interrogation of persons suspected of perpetrating torture. How long could a person be held in pre-trial detention? Who could order such detention? And what were the rights of the suspect? Concerning the administration of the prison system, what was the procedure for following up allegations of torture or ill-treatment? How many allegations had resulted in prosecutions? And how

many offenders had actually been punished? In criminal proceedings, did the arrested person have the right to see a lawyer, to be examined by a doctor of his choice and to notify his next of kin without delay?

58. There had been numerous reports from NGOs about serious human rights violations, including disappearances, extrajudicial executions, ill-treatment and torture. Could information be provided on how many complaints had been lodged and on how many victims had received compensation from the authorities?

59. Mr. BURNS associated himself with the points raised by Mr. Sorensen and Mr. Gil Lavedra. Looking at the report and comparing it with the information from NGOs, one was struck by the incredible dichotomy between a country with such a sophisticated legal and administrative system and the reality of daily life, characterized by constant threats to the lives of not only ordinary citizens, but even judges and senior government officials. That was a very difficult situation for a Government to deal with.

60. As it did with many delegations that appeared before it, the Committee requested the Guatemalan delegation to declare under article 22 that it recognized the competence of the Committee to receive and consider communications and also to ratify the Optional Protocol to the International Covenant on Civil and Political Rights.

61. One point that had not been raised by the other members concerned returnees: the fact that refugees were beginning to return reflected a degree of stability in Guatemala. However, there had apparently been a number of incidents involving the ill-treatment, illegal detention and kidnapping of returnees, and in one case the kidnapping of United Nations personnel and also a case of killings of returnees in Aurora 8 de Octubre, finca Xaman, Alta Verapaz, on 5 October 1995. In the light of those troubling events, which clearly constituted serious violations of human rights, what measures had been taken to prevent such incidents from recurring, to investigate the cases and to bring those responsible to justice?

62. Mr. SLIM said that the Guatemalan delegation's presentation was an encouraging sign of its desire to engage in a constructive dialogue with the Committee. His first question was with reference to paragraph 18 of the supplementary report (CAT/C/12/Add.6). Was he correct in interpreting that paragraph to mean that, pursuant to article 44 of the Guatemalan Constitution, the provisions of the Convention had constitutional value? If that was the case, could a domestic law be challenged on the grounds that it was inconsistent with the Convention?

63. With regard to paragraph 23, he asked whether the six-hour limit during which a person could be detained was renewable and whether the right to be brought before the competent judicial authority within that period was anchored in the Constitution. Concerning paragraph 26, in accordance with what procedure had Guatemala acceded to the Universal Declaration of Human Rights and the Inter-American Convention to Prevent and Punish Torture? According to paragraph 47, an investigation was conducted if National Police officers were found to have committed a criminal offence. What were the next steps taken? Was provision made for penalties and for a system of compensation? Paragraph 56 stated that from 1990 to 1994, 188 criminal

proceedings had begun against a total of 282 defendants and that those proceedings were still under way in the various courts. Was he to understand that not a single such case had been concluded in four years?

64. Paragraph 73 of document CAT/C/12/Add.5 would appear to imply that statements obtained under torture could not be used against the victim. Was that a constitutional provision? And lastly, paragraph 16 stated that there had been no cases of torture in Guatemala. That was a surprising assertion, given that Amnesty International and other NGOs had submitted reports denouncing cases of torture and also the impunity of the perpetrators. He asked the Guatemalan delegation to comment.

65. The CHAIRMAN endorsed Mr. Gil Lavedra's view that extradition on the basis of reciprocity, to which reference was made in paragraph 51 of document CAT/C/12/Add.5, was inconsistent with the Convention, whose purpose was to establish a universal jurisdiction. He asked the Guatemalan delegation for clarification on that point.

66. On a question raised by Mr. Slim, he too would like to know more about the procedure for challenging the constitutionality of a law and, more specifically, whether that procedure was open to all citizens or only to members of the Government.

67. Mr. URRUELA PRADO (Guatemala), responding to a remark by Mr. Sorensen, said that Guatemala had not postponed its oral presentation for frivolous reasons. It had done so in order to establish a truly constructive, long-term dialogue with the Committee. As an example of the good atmosphere prevailing, he observed that the unfortunate paragraph 16 in document CAT/C/12/Add.5 had been rectified both in the supplementary report and in the oral presentation.

The meeting rose at 12.55 p.m.